



PRINT TO DIGITAL: A FUNDAMENTAL TRANSITION

Why moving law journals from print to digital-only is more complicated than it seems.

BY BENJAMIN J. KEELE

The paper law review is a remarkably resilient creature. In a 1996 *New York University Law Review* article, “Last Writes?: Reassessing the Law Review in the Age of Cyberspace,” Bernard Hibbitts suggested that law reviews as we understood them would be supplanted by professors self-publishing their works on websites like SSRN (Social Science Research Network). In 2009, more than a dozen law library directors signed the Durham Statement on Open Access to Legal Scholarship, calling for law schools to stop printing law reviews and instead only publish digitally. Most academic law reviews are aggregated in multiple legal research services, and pressures on library space and acquisitions budgets have led libraries to cancel subscriptions and discard print holdings. Each year, the *Green Bag* documents law journals’ declining subscriptions. When new journals are started, they generally only publish online.

And yet many law reviews that started as paper publications continue to print and mail issues. Journal staffs start digital supplements and blogs, they (or law libraries) build online archives and prioritize inclusion in major databases. Some journals even publish articles in PDF and HTML, and fewer also distribute in Kindle and EPUB formats. Despite the great variety of publishing options for legal scholarship and demands for the resources expended to produce them, the paper law review endures.

Since I first joined a law journal staff seven years ago, I have been waiting for some tipping point after which virtually all journals would stop printing issues and embrace digital-only publishing. I am still waiting. The shift from print to digital-only seemed so easy; if a journal was publishing on paper and digitally, all it needed to do was *stop* doing something. Now, I think moving to digital-only is not a minor tweak in the journal production workflow, but a fundamental transformation in the law review institution. Big changes are hard, and combined with cultural and operational inertia, I better understand why the goal of digital-only law journals (a goal I endorse, though law librarians do not have consensus on it) is not so easily achieved.

Stakeholders

Let us think of the stakeholders and their roles in deciding how a typical law journal will be published. “Typical” is admittedly a squishy concept here because each journal exists in a unique context and each stakeholder group I mention here will have different degrees of responsibility and authority, depending on the institution.

First are the students, who lead and operate the journal, select and edit articles, and write their own papers. Second are the faculty members, who also provide leadership to student editors and, most significantly, write most of the articles published in journals. Third are the administrators who

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provide resources, both in funds and services, for journal operations that are not performed by students. I think of law librarians as fitting into this third stakeholder group because we often assist students with their journal duties, provide some resources through subscriptions, and, at some institutions, give administrative support for digital publishing.

It seems to me that the student editors and the professors who submit articles to the editors have the greatest influence on whether a journal publishes on paper. These two groups create the main input (article submissions) and output (issues with selected, cite-checked, formatted articles). Law school administrators could direct that journals’ funds not be used for print

publishing, but they would have to deal with concerns about their journal’s prestige and identity, and, in the grand scheme of law school budgets, I doubt journal expenses are a major line item. Librarians can nudge journals one way or the other; subscriptions enable paper issues, and librarians can share information on digital publishing options, but librarians generally are not in a position to make the final decision.

Print, Prestige, and Law Journal Identity

I focus then on why student editors and faculty authors may favor, or at least not feel compelled to move away from, paper publication, even if the journal also has some form of digital publication. The core issue is the perceived connection between paper publication and prestige and scholarly quality. Law journals have a long history of paper publication, and when faculty and perhaps even students think of a law journal, the print issue first comes to mind. Even though both faculty and students mostly obtain and read digital copies of articles, the paper (and its closet digital surrogate, the PDF) copy is canonical. Even journals that publish digital-only mimic the print journals with PDF versions.

Law journals, for a long time and by default, were paper. That means that digital-only journals are probably either newer and less prestigious or they have fewer resources and thus are probably also less prestigious. Of course, this connection between paper and prestige is rather flimsy upon close examination, but here we are considering the amorphous, subliminal realm of perceived quality and goodwill, where attitudes and their bases are rarely scrutinized.

THE DURHAM STATEMENT ON OPEN ACCESS TO LEGAL SCHOLARSHIP

“OBJECTIVE: The undersigned believe that it will benefit legal education and improve the dissemination of legal scholarly information if law schools commit to making the legal scholarship they publish available in stable, open, digital formats in place of print. To accomplish this end, law schools should commit to making agreed-upon stable, open, digital formats, rather than print, the preferable formats for legal scholarship. If stable, open, digital formats are available, law schools should stop publishing law journals in print and law libraries should stop acquiring print law journals.”

— February 11, 2009

Faculty authors prefer to submit to and publish in journals that are as prestigious as possible. The editors, knowing this, strive to maintain the trappings of a prestigious journal, including paper publication. Faculty evaluating tenure dossiers look for publications in prestigious journals. With the subliminal connection between paper and prestige, having a paper issue, no matter how small the subscriber list, will never hurt. Not

having print, on the other hand, might hurt, and this is a risk that editors and authors seem disinclined to take in the competitive market for prestige.

There are other reasons a journal with print issues may be considered more prestigious. Paper publication places limits on the number of articles that can be accepted in a given year, imposing scarcity on the supply of article slots. Paper copies are more stable than digital copies, when stable means it would be very difficult to change the paper copies after publication and distribution. While this holds authors responsible for what they write, it also complicates correcting errors that slip through the editing process. Printing may require more resources than digital publishing, adding weight to the publishing school's imprimatur on the journal. For these reasons, and perhaps a sentimental attachment to the substantiality of tangible paper, editors and authors may like knowing the

paper copies exist, even if they rarely read them.

A survey of law professors by Richard Danner, Kiril Kolev, and Marguerite Most, the results of which were reported in a July 2011 paper, "Print or Perish: Authors' Attitudes Toward Electronic-Only Publication of Law Journals," indicates that while paper publication is not always the deciding factor when submitting articles, digital-only publishing could be regarded as negative by some authors. When asked what features of a digital-only journal would be most important, receiving paper offprints or having a print-on-demand option was the highest ranked, with support from three-quarters of the authors. Whether these preferences are due to an intrinsic advantage of paper publication or the perceived connection between paper and prestige, journal editors will likewise cling to paper to avoid repelling any potential authors. Far from being a minor format shift, switching from paper publication with an ancillary digital presence to digital-only may be a transformation affecting the main value offered by journals for authors and editors.

Operational Inertia

Suppose a journal is contemplating becoming a digital-only publication. How would the student editors' work change? Like many changes, there may be a fair amount of work for a class or two of editors as they implement the transition.

Journals with paper publication have support from the printers that produce the paper issues. Many of these printing companies have a long history of experience working with law reviews in general and perhaps a long relationship with a particular journal. While most journals use a Word or WordPerfect template to format their articles, the printers may assist with generating consistent PDF files and submitting the articles to legal research services. The editors can then post the PDF copies on the journal website.

The switch to digital-only publishing, then, involves removing a service provider for the journal. If the editors

The core issue is the perceived connection between paper publication and prestige and scholarly quality. Law journals have a long history of paper publication, and when faculty and perhaps even students think of a law journal, the print issue first comes to mind.



only wish to publish in PDF, then perhaps instead of sending the word processor files to the printer, they simply save the files as PDFs and post them to the website. The formatting may need some more tweaking, and the editors may need to develop more familiarity with their word processor, Adobe Acrobat, or even InDesign page-layout software. Then the editors have to remember to send the articles to each legal research service, complying with their specifications.

So, even the most basic digital-only publishing operation is likely to require a small to moderate amount of additional work from the editors. If the editors want to take fuller advantage of the options opened by digital publication, they will need to commit even more time and energy. At the moment, they would also embark on this project with relatively few examples from other journals, much less best practices on which a consensus has been reached.

Law review articles can be published in more formats, such as HTML, e-books, or XML. Audio, visual, and interactive elements can be added to the canonical versions of the articles. Formal comments and responses can be accepted and added to articles after publication. Additional metrics, like social media mentions, citations outside the legal literature, and downloads, can be collected and analyzed. Each item on this brief and incomplete list has its own workflow steps, products, and vendors, all of which student editors would need to consider and then integrate into the journal's processes.

For editors with only a year to lead and a primary mandate to select worthwhile articles, cite-check and edit them according to journal and author expectations, and publish on time, the prospect of undertaking major projects to improve the journal's digital publishing is probably unappealing. The paper production systems are established; for most editors, dropping the paper copies likely means more work and the risk of reducing perceived prestige. The paper law review's endurance begins to appear a bit more understandable.

Librarians can play a more active role in supporting digital publication and creating the infrastructure that editors can use. Libraries operating institutional repositories or other digital publishing systems have already established a strong framework upon which new features can be added.

Librarians' Roles

If any of this is persuasive, what can be done by librarians who wish to encourage law journals to move toward digital-only publishing? It seems there are two main obstacles: (1) the connection between paper and prestige and (2) operational support for paper publication with relatively little support for robust digital publication.

The paper-prestige connection will probably weaken over time as digital-only law journals mature and researchers increasingly use digital-only sources in other fields. Librarians can contribute to this trend by not considering whether a journal publishes on paper when suggesting venues for faculty submissions. I have heard some law libraries have canceled most paper subscriptions but maintained subscriptions for highly ranked journals. Absent a specific patron request, I find this practice curious and needlessly reinforcing the idea that format indicates scholarly quality.

Librarians can play a more active role in supporting digital publication and creating the infrastructure that editors can use. Libraries operating institutional repositories or other digital publishing systems have already established a strong framework upon which new features can be added. Librarians can help create protocols for converting articles to formats more accessible than PDF, add metrics tools to document the use and influence of articles, and help journals distribute scholarship with nontextual media. (My 2012 *Law Library Journal* article, "How Librarians Can Help Improve Law Journal Publishing," co-authored with Michelle Pearse, and my June 2015 *Legal Reference Services Quarterly* article, "Improving Digital Publishing of Legal Scholarship," discuss ideas for digital publishing

support in more detail.) When authors and editors see the digital versions of articles eclipsing the paper copies, they will be more likely to submit to and publish digital-only journals.

Change is Challenging

I may seem to strongly disfavor law reviews publishing on paper. However, this is not at all the case—it seems that editors and professors regard paper copies as canonical or better than digital copies, when I think that ranking should be reversed. If authors like getting paper offprints of their articles, that's fine, and I think saving a half dozen paper copies in a geographically diverse group of law libraries is an excellent plank in a collaborative plan for preserving legal scholarship. I would prefer to see more resources allocated to digital publishing than printing, mailing, binding, and storing paper copies.

However, this shift, seemingly simple at first glance, actually asks student editors and faculty authors to rethink a major heuristic used for evaluating journals and the articles they publish. Primarily focusing on digital publishing also requires changes to the processes and tools for editing, formatting, and distributing articles. These changes may be difficult and help explain why the paper law review has endured. ■



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